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Date of Deposit

Attorney

41,733

Reg. No.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:

Applicant : Alain Izadnegahdar et al.
Serial No. : 09/909,847
Filed : July 20, 2001
Title : THIN PIEZO RESISTIVE PRESSURE SENSOR
Docket No. : 015559-250
Examiner : Andre J. Allen
Art Unit : 2855

Mail Stop 16
Receipts Division – Office of Finance
Refunds Section
Director of the U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

**REQUEST FOR REFUND
(IMPROPER CHARGE OF DEPOSIT ACCOUNT)**

I. REFUND REQUEST

This is a request for a refund, with respect to the charge to Deposit Account 20-0809, shown on the statement for the month of September, 2003, for the above-identified application. A copy of the monthly statement, in which the error referred to occurs, accompanies this request.

II. FEES CHARGED FOR WHICH REFUND REQUESTED

9/17/03	Filing fee for Supplemental Information	:	
	Disclosure Statement	:	<u>\$180.00</u>
	TOTAL REFUND REQUESTED	:	\$180.00

Adjustment date: 11/28/2003 EEKUBAY1
09/17/2003 DTESSEH1 00000054 200809 09909847
01 FC:1806 180.00 CR

Serial No.: 09/909,847
Docket No.: 015559-250
Request for Refund
(Improper Charge of Deposit Account)

III. EXPLANATION OF WHY CONTESTED CHARGE IS IN ERROR

Applicant filed a Supplemental Information Disclosure Statement on September 12, 2003. However, under 37 C.F.R. 1.97(b)(3), no fee is required if an information disclosure statement is filed before the mailing of a first Office action on the merits. As of September 12, 2003, no Office action on the merits had yet been mailed.

Although the Office mailed a Restriction Requirement on August 12, 2003, a Restriction Requirement is not a "first Office action on the merits." In particular, as noted at §609B of the M.P.E.P.:

An action on the merits means an action which treats the patentability of the claims in an application, as opposed to only formal or procedural requirements. An action on the merits would, for example, contain a rejection or indication of allowability of a claim or claims *rather than just a restriction requirement (37 C.F.R. 1.142)....*

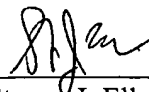
(emphasis added).

Thus it is submitted that a refund is proper in this case.

IV. MANNER OF REFUND

Please make refund by crediting Deposit Account 20-0809.

Respectfully submitted:

By: 
Steven J. Elleman
Reg. No. 41,733

THOMPSON HINE LLP
2000 Courthouse Plaza N.E.
10 West Second Street
Dayton, Ohio 45402-1758
Telephone: (937) 443-6838
Facsimile: (937) 443-6635



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Page**Deposit Account Statement**

Requested Statement Month: September 2003
Deposit Account Number: 200809
Name: THOMPSON HINE LLP
Attention: MARK P. LEVY ESQ.
Address: P O BOX 8801
City: DAYTON
State: OH
Zip: 45401

DATE	SEQ	POSTING REF TXT	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
09/02	375	10261138	015559277	8007	\$60.00	\$5,678.00
09/09	9	E-REPLENISHMENT		9203	-\$847.00	\$6,525.00
09/09	437	29182379	058476007	8007	\$20.00	\$6,505.00
09/11	1	76976002		6001	\$335.00	\$6,170.00
09/11	1	10321016	326B	1806	\$180.00	\$5,990.00
09/12	5	09663285	006593-1881	8001	-\$30.00	\$6,020.00
09/16	300	02731011	048377002CA1	8503	\$15.00	\$6,005.00
09/17	70	09909847	015559-250	1806	\$180.00	\$5,825.00
09/18	15	E-REPLENISHMENT		9203	-\$557.00	\$6,382.00
09/22	85	PCT/US03/28051	015559-282	1707	\$59.00	\$6,323.00
09/22	87	PCT/US03/28051	015559-282	8007	\$40.00	\$6,283.00
09/22	140	01582077	534178001CA6	8503	\$15.00	\$6,268.00
09/23	218	10287202	0065931949	8007	\$80.00	\$6,188.00
09/30	171	PCT/US03/29076	015559-276	1707	\$79.00	\$6,109.00
09/30	173	PCT/US03/29076	015559-276	8007	\$20.00	\$6,089.00

START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE
\$5,738.00	\$1,083.00	\$1,434.00	\$6,089.00

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